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Document	Main document	3	<b>DOCUMENT COULD NOT BE RETRIEVED!</b> <b>However, it may still be viewable individually.</b>

# **SCHEDULE**

# **A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# **SCHEDULES**

# **C**

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2203  
Owner: Oscar Garza, et al.  
Acres: 4.56

As identified in the Warranty Deed with Vendor's Lien, Document #: 2013-2432334, recorded on July 19, 2013 in the deed records of Hidalgo County:

A 4.56-acre tract of land in the Southern part of Porciones 55 and 56, Hidalgo County, Texas, sometimes described as Lots 8, 9 and 10, Riverside Subdivision "A", Hidalgo County, Texas, as per map or plat thereof described in and attached to an affidavit of H.H. EWING recorded in Volume 829, Page 159, Deed Records, Hidalgo County, Texas said 4.56-acre tract of land more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch diameter iron rod found at the Northeast corner of said Lot 10 for the Northeast corner hereof;

THENCE, with the East line of said Lots 10, 9 and 8 South 24 degrees 30 minutes East 375.00 feet to the Southeast corner of said Lot 8 for the Southeast corner hereof;

THENCE, with the South line of said Lot 8, South 62 degrees 05 minutes 29 seconds West, at 25.00 feet set a 1/2-inch diameter iron rod, at 27.20 feet pass the West right-of-way of Levee Road easement, as set forth in instrument recorded in Volume 606, Page 479, Deed Records, Hidalgo County, Texas, at 562.15 feet in all (Deed: South 61 degrees 20 minutes West 576.0 feet) to a 3-inch diameter aluminum disk found on the bank of the Rio Grande River for the Southwest corner hereof;

THENCE, with the meanders of the Rio Grande River, North 15 degrees 24 minutes 53 seconds West 382.14 feet (Deed: North 16 degrees 20 minutes West 383.8 feet) to a 3-inch diameter aluminum disk found for the Northwest corner hereof;

THENCE, with the North line of said Lot 10, North 61 degrees 56 minutes 58 seconds East, at 477.78 feet pass the West right-of-way of said Levee Road easement, at 501.78 feet in all (Deed: North 61 degrees 20 minutes East 494.0 feet) to the PLACE OF BEGINNING, containing 4.56 acres, more or less.

Tract: RGV-MCS-2203

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2204

Owner: Oscar Garza, et al.

Acres: 2.41

As identified in the Warranty Deed, Document #: 2015-2645392, recorded on September 11, 2015, and in the General Warranty Deed, Document #: 2015-2644994, recorded on September 10, 2015, both recorded in the deed records of Hidalgo County:

Lot 7, Riverside Subdivision "A", Hidalgo County, Texas, according to the map or plat thereof described in and attached to an affidavit of H.H. Ewing, recorded in Volume 829, Page 159, Deed Records, Hidalgo County, Texas, being 2.49 acres more or less, LESS 0.08 acres for floodway Levee.

Tract: RGV-MCS-2204



# **SCHEDULES**

# **D**







# **SCHEDULE E**

**SCHEDULE E**

**ESTATE TAKEN**

Hidalgo County, Texas

Tracts: RGV-MCS-2203 and RGV-MCS-2204

Owner: Oscar Garza, et al.

Acres: 4.56 (RGV-MCS-2203) and 2.41 (RGV-MCS-2204) for a total of 6.97

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the lands described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

# **SCHEDULE G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Parties	Reference
<p><b>Noralinda G. Garza, as Independent Executrix for the Estate of Oscar Garza a/k/a Oscar David Garza, Jr.</b></p> <p>Mission, Texas 78573-0031 or</p> <p>Mission, Texas 78574-2011</p>	<p>RGV-MCS-2203: July 19, 2013 - Warranty Deed with Vendor's Lien - Document # 2013-2432334; Deed Records of Hidalgo County and Cause No. P-38032; Probate Records of Hidalgo County</p> <p>RGV-MCS-2204: September 11, 2015 - Warranty Deed – Document # 2015-2645392; Deed Records of Hidalgo County and Cause No. P-38032; Probate Records of Hidalgo County</p>
<p><b>Noralinda G. Garza a/k/a Noralinda Gonzalez Garza</b></p> <p>Mission, Texas 78573-0031 or</p> <p>Mission, Texas 78574-2011</p>	<p>RGV-MCS-2203: July 19, 2013 - Warranty Deed with Vendor's Lien -Document # 2013-2432334; Deed Records of Hidalgo County</p> <p>RGV-MCS-2204: September 11, 2015 - Warranty Deed – Document # 2015-2645392; Deed Records of Hidalgo County</p>



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Megan Eyes

United States Attorney's Office, SDTX, 1701 West Bus. Hwy. 83,  
Ste. 600, McAllen, TX 78501**DEFENDANTS**6.97 Acres of Land, More or Less, situate in Hidalgo County,  
Texas; and Oscar Garza, et al.County of Residence of First Listed Defendant Hidalgo

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities / Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee -			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1358

Brief description of cause: Land Condemnation proceeding for Right of Entry (ROE) to Survey and Conduct Testing

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND «4»

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/5/18

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD



«5», AUSA

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE